



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/814,194

03/21/2001

Edward L. Grivna

0325.00438

2370

21363

7590

07/06/2004

CHRISTOPHER P. MAIORANA, P.C.

24840 HARPER

ST. CLAIR SHORES, MI 48080

EXAMINER

WANG, TED M

ART UNIT

PAPER NUMBER

2634

3

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/814,194

Applicant(s)

GRIVNA ET AL.

Examiner

Ted M Wang

Art Unit

2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/21/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,7,8,12-15,19 and 20 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 9,-11, and 16-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date 2. | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 are pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 7, 8, 12-15, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilbrod (US5,946,300) in view of Tarrab et al. (US5,195,093).

- In regard claim 1, Wilbrod cited by the applicant discloses a device for transferring information between two digital signal generators that a first circuit configures to generate a first select signal, a second select signal and a first data stream in response to an input data stream (Fig.5 and Fig.6, column 1 line 56 – column 3 line 3, column 5 line 64 – column 7 line 32, and column 7 line 55 – column 9 line 5); and a second circuit configured to generate an output data stream in response to said first data stream, said first select signal and said second select signal, wherein said second circuit is configured to replace one or more characters of said first data stream (Fig.5 element 42 and Fig.6 element 54, column 1 line 56 – column 3 line 3, column 5 line 64 – column 7 line 32, and

column 7 line 55 – column 9 line 5) except specifically teaching that the generated first select signal, second select signal and first data stream is also in response to an exception signal.

Tarrab et al. discloses a method and an apparatus for ensuring CRC error generation by a data communication station experiencing transmitter exceptions (column 3 line 54 – column 4 line 27 and column 7 line 23-60) in order to ensure CRC error generation by a data communication station experiencing a transmitter exception during a transmission of a frame.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wilbrod's device for transferring information between two digital signal generators in view of Tarrab's disclosure in order to ensure CRC error generation by a data communication station experiencing a transmitter exception during a transmission of a frame.

- In regard claim 2, the limitation that the exception signal comprises a transmitter exception signal is contained in claim 1. The explanation of all the limitation is already addressed in the above paragraph.
- In regard claim 3, the limitation that second circuit is configured to replace said one or more characters with a predetermined character to indicate the presence and duration of an exception condition in a transmission station can further be taught by Tarrab et al. in column 2 line 33 – column 4 line 27.
- In regard claim 4, all limitation can further be taught by Tarrab et al. in column 2 line 33 – column 4 line 27.

- In regard claim 7, the limitation that first circuit comprises a detection-encoder circuit and said second circuit comprises an error injection circuit can further be taught by Wilbrod in Fig.5 elements 26 and 28 and 30 and 32, and 42, and Fig.6 elements 44 and 46 and 48 and 50 and 52, and 54.
- In regard claim 8, the limitation that the second circuit comprises a first multiplexer configured to multiplex said first data stream and an error injection path in response to said first select signal to present said output data stream can further be taught by Wilbrod in Fig.7 element 78 and Fig.8 element 102.
- In regard claim 12, all limitation can further be taught by Wilbrod in column 1 line 56 – column 3 line 3, column 5 line 64 – column 7 line 32, and column 7 line 55 – column 9 line 5.
- In regard claim 13, the limitation that detection circuit is further configured to indicate a duration of said exception condition can further be taught by Tarrab et al. in Fig.2 and 4, and column 4 line 52 – column 5 line 38, and column 7 line 61 – column 8 line 32.
- In regard claim 14, which is an apparatus claim related to claim 1, all limitation is contained in claim 1. The explanation of all the limitation is already addressed in the above paragraph.
- In regard claim 15, which is an apparatus claim related to claim 3, all limitation is contained in claim 3. The explanation of all the limitation is already addressed in the above paragraph.

- In regard claim 19, the limitation that step (A) further comprises detecting a hardware fault, a synchronization failure, or a software generated interrupt of a transmitter function can further be taught by Tarrab et al. in Fig.2 and 4, and column 4 line 52 – column 5 line 38, and column 7 line 61 – column 8 line 32.
- In regard claim 20, all limitation can further be taught by Tarrab et al. in Fig.2 and 4, and column 4 line 52 – column 5 line 38, and column 7 line 61 – column 8 line 32.

Allowable Subject Matter

4. Claims 5, 6, 9-11, and 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. Reference US6,370,667 is cited because they are put pertinent to the CRC operating (transmitter exception operating). However, none of references teach detailed connection as recited in claim.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted M Wang whose telephone number is (703) 305-0373. The examiner can normally be reached on 8:30 a.m. - 5:00 p.m..

Application/Control Number: 09/814,194
Art Unit: 2634


Page 6

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Chin can be reached on (703) 305-4714. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Ted M Wang
Examiner
Art Unit 2634

Ted M. Wang



STEPHEN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600